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**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )

WALKER RIVER PAIUTE TRIBE, )  
)  
Plaintiff-Intervenor, )

vs. )

WALKER RIVER IRRIGATION DISTRICT, )  
a corporation, et al., )

Defendants. )

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MINERAL COUNTY, )

Proposed-Plaintiff-Intervenor, )

vs. )

WALKER RIVER IRRIGATION DISTRICT, )  
a corporation, et al., )

Proposed Defendants. )

IN EQUITY NO. C-125-RCJ-WGC  
Subproceeding: C-125-C

3:73-CV-00128-RCJ-WGC

**MINERAL COUNTY REVISED  
FINAL REPORT CONCERNING  
COMPLETION OF RULE 4  
SERVICE ON FINAL LIST OF  
PROPOSED DEFENDANTS**

**Mineral County Revised Final Report Concerning Completion of Rule 4 Service on Final  
List of Proposed Defendants**

Page 1 of 7

1 Pursuant to the Court's direction, Mineral County hereby respectfully submits the  
2 following Revised Final Report Concerning Completion of Rule 4 Service containing  
3 information related to the completion of service efforts on the final list of Proposed Defendants  
4 to be served via Fed. R. Civ. P. Rule 4 service, which the Court approved in its February 8, 2013,  
5 *Order Concerning Status of Remaining Proposed Defendants to be Served Via Rule 4 Service*.  
6 Doc. No. 665.<sup>1</sup> This Report sets forth the status of service on each of these four Proposed  
7 Defendants and requests a finding that Rule 4 personal service is complete as to those Proposed  
8 Defendants as well as Proposed Defendants Sandoval Family Trust and Brett Emery, as  
9 explained in more detail below. This Report also requests a general finding that Rule 4 personal  
10 service is complete on all identified Proposed Defendants in this subproceeding.  
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12 The Report is supported by Exhibits A-1 through A-6 which correspond to each Proposed  
13 Defendant's numerical listing in the chart below. Pursuant to the Court's Order of February 8,  
14 2013, Mineral County also has attached an updated caption reflecting the dismissals,  
15 substitutions, and the caption change ordered in the Court's February 8, 2013 Order, attached  
16 hereto as Exhibit B. The *[Proposed] Order Concerning Completion of Rule 4 Service on Final*  
17 *List of Proposed Defendants* submitted herewith includes a further updated caption, which  
18 reflects the caption change requested below. If the Court approves this service report, that  
19 caption will be the current caption in this case.  
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23  
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25 <sup>1</sup>Unless otherwise noted, all document references are to C-125-C (3:73-3-00128-RCJ-WGC)  
26 docket numbers.

**Final List of Proposed Defendants for Whom Rule 4 Service Has Not Yet Been Approved**

**Status of Service**

<p><b>1.</b></p>	<p><b>State of California</b></p> <ul style="list-style-type: none"> <li>• <u>Status of Service</u>: The State of California returned a signed waiver of personal service form as the California Department of Fish and Wildlife. <i>See</i> Exhibit A-1. After filing the March 11, 2013, service report, the California State Agencies requested Mineral County to substitute the California Department of Fish and Wildlife for the State of California as the proper defendant. The California Department of Fish and Wildlife is the new name for the California Department of Fish and Game, which already is in the caption. Service was ratified on the California Department of Fish and Game by the Court in its Order of April 3, 2000. <i>See</i> Doc. No. 327.</li> <li>• <u>Counsel</u>: Michael Neville.</li> <li>• <u>Address for Service</u>: 455 Golden Gate Avenue, #11000 San Francisco, CA 94102-7004</li> <li>• <u>Requested Action</u>: Mineral County requests that the Court dismiss the State of California and amend the caption to read California Department of Fish and Wildlife instead of California Department of Fish and Game. Mineral County further requests that the Court affirm that service is complete as to the California Department of Fish and Wildlife.</li> </ul>
<p><b>2.</b></p>	<p><b>Norman W. and Kellie J. Annett Family Trust, Norman W. Annett and Kellie J. Annett, Co-Trustees</b></p> <ul style="list-style-type: none"> <li>• <u>Status of Service</u>: The Trust returned a signed waiver of personal service form. <i>See</i> Exhibit A-2.</li> <li>• <u>Counsel</u>: Paul J. Anderson.</li> <li>• <u>Address for Service</u>: Paul J. Anderson Maupin, Cox &amp; LeGoy 4785 Caughlin Parkway Reno, Nevada 89519</li> <li>• <u>Requested Action</u>: Mineral County requests a finding that service is complete as to the Norman W. and Kellie J. Annett Family Trust, Norman W. Annett and Kellie J. Annett, Co-Trustees.</li> </ul>

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p>	<p><b>3. Sancho Rancho, LLC</b></p> <ul style="list-style-type: none"> <li>• <u>Status of Service</u>: Mineral County personally served Jon Sanchez on behalf of Sancho Rancho, LLC on March 8, 1013. <i>See</i> Proof of Service, Doc. No. 671.</li> <li>• <u>Counsel</u>: None indicated.</li> <li>• <u>Address for Service</u>: c/o Jon Sanchez, 5390 Kietzke Lane, Suite 200, Reno, NV 89511.</li> <li>• <u>Requested Action</u>: Mineral County requests a finding that service is complete as to Sancho Rancho, LLC.</li> </ul>
<p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p>	<p><b>4. David E. and Karen Hardy Family Trust, Karen Lund Hardy, Trustee</b></p> <ul style="list-style-type: none"> <li>• <u>Status of Service</u>: Ms. Hardy returned a signed waiver of personal service form. <i>See</i> Exhibit A-4.</li> <li>• <u>Counsel</u>: None indicated.</li> <li>• <u>Address for Service</u>: P.O. Box 21351, Carson City, NV 89721.</li> <li>• <u>Requested Action</u>: Mineral County requests a finding that service is complete as to David E. and Karen Hardy Family Trust, Karen Lund Hardy, Trustee.</li> </ul>
<p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p><b>5. Sandoval Family Trust U/D/T March 12, 2001, Cecelia Lillian Sandoval, Trustee</b></p> <ul style="list-style-type: none"> <li>• <u>Status of Service</u>: In Mineral County's January 9, 2013, <i>Report Concerning Status of Rule 4 Service On Final List of Proposed Defendants</i>, Doc. No. 654, Mineral County requested a finding that service is complete as to the Sandoval Family Trust, which returned a signed waiver of personal service form. <i>See</i> Exhibit A-5. However, Mineral County did not include the Sandoval Family Trust on the list of Proposed Defendants for whom service is complete, which was attached to that Report as Exhibit B. The Court's <i>Order Concerning Status of Remaining Proposed Defendants to be Served Via Rule 4 Service</i>, Doc. No. 665, approved the relief requested in Mineral County's service report, but Attachment A to that order, the <i>List of Proposed Defendants for Whom Service Is Complete</i>, did not include the Sandoval Family Trust.</li> <li>• <u>Counsel</u>: None indicated.</li> <li>• <u>Address for Service</u>: P.O. Box 224, Smith, NV 89430.</li> <li>• <u>Requested Action</u>: Mineral County requests confirmation that Rule 4 service is complete as to the Sandoval Family Trust U/D/T<del>✓</del> March 12, 2001, Cecelia Lillian Sandoval, Trustee.</li> </ul>

**6. Brett Emery**

- Status of Service: In Exhibit E of Mineral County's August 29, 2008, *Report Concerning Status of Service on Proposed Defendants*, Doc. No. 479, and in Exhibit 1 of Mineral County's January 23, 2009, *Reply to Walker River Irrigation District's Response To Mineral County's Service Report*, Doc. No. 496, Mineral County informed the Court that Brett Emery had not yet been served and that Mineral County would serve him via Rule 4 service. However, he was inadvertently left off of the list of Proposed Defendants who remain to be served. In mid-February of 2013, Mineral County sent a waiver package to Mr. Emery, who returned a signed waiver of personal service form. *See* Exhibit A-6.
- Counsel: None indicated.
- Address for Service: P.O. Box 758, Bridgeport, CA 93517.
- Requested Action: Mineral County requests a finding that Rule 4 service is complete as to Brett Emery.

**Rule 5 Service of this Filing:**

Mineral County has served this filing consistent with previous direction of the Court regarding Rule 5 service of procedural and service related filings. *See* Doc. No. 591.

Accordingly, the primary parties will be served either via electronic service or in hard copy if they are not registered for electronic service. Mineral County has served this filing on those Proposed Defendants who are addressed in this service report in the same manner as previous service reports filed by Mineral County in subproceeding C-125-C and by the United States in subproceeding C-125-B. Persons or entities addressed in this filing who are not registered for e-service will receive a hard copy of the Report and the exhibits that concern their service status. In addition, the County will provide any of them with copies of any additional exhibits they request.

**CONCLUSION**

In accord with the information provided in this Report above, Mineral County respectfully requests that the Court take the following actions:

**Mineral County Revised Final Report Concerning Completion of Rule 4 Service on Final List of Proposed Defendants**

(1) find that Rule 4 personal service is complete as to certain Proposed Defendants as requested above;

(2) find that Rule 4 personal service is complete as to all Identified Proposed Defendants in subproceeding C-125-C; and

(3) issue a notice to Proposed Defendants who were served after the briefing of Mineral County's Motion for Intervention began and who have entered an appearance advising such newly served Proposed Defendants of the opportunity for them to request leave from the Court to file supplemental briefs in response to Mineral County's Motion for Intervention.

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A *[Proposed] Order Concerning Completion of Rule 4 Service on Final List of Proposed Defendants*, which addresses completion of service on each of the Identified Proposed Defendants who are dealt with in this Service Report, and a *[Proposed] Order Concerning Completion of Rule 4 Personal Service*, finding that Rule 4 personal service on all Identified Proposed Defendants is complete in this subproceeding, are submitted herewith.

Respectfully submitted this 24th day of July, 2013,

/s/ Simeon M. Herskovits  
Simeon M. Herskovits, Nevada Bar No. 11155  
Iris Thornton, *pro hac vice*  
Advocates for Community and Environment  
P.O. Box 1075  
El Prado, New Mexico 87529  
Phone: (575) 758-7202  
Fax: (575) 758-7203  
Email: [simeon@communityandenvironment.net](mailto:simeon@communityandenvironment.net)

/s/ Sean A. Rowe  
Sean A. Rowe, Nevada Bar No. 10977  
Mineral County District Attorney  
P.O. Box 1210  
Hawthorne, Nevada 89415  
Phone: (775) 945-3636  
Fax: (775) 945-0740  
Email: [srowe@mineralcountynv.org](mailto:srowe@mineralcountynv.org)

*Attorneys for Mineral County*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of July, 2013, I electronically filed the foregoing **MINERAL COUNTY REVISED FINAL REPORT CONCERNING COMPLETION OF RULE 4 SERVICE ON FINAL LIST OF PROPOSED DEFENDANTS, [PROPOSED] ORDER CONCERNING COMPLETION OF RULE 4 SERVICE ON FINAL LIST OF PROPOSED DEFENDANTS, and [PROPOSED] ORDER CONCERNING COMPLETION OF RULE 4 PERSONAL SERVICE** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses that are registered for this case; and I further certify that on this 24th day of July, 2013, I caused a hard copy of the forgoing to be served on the following non CM/ECF primary Defendant participants by U.S. Mail, postage prepaid:

Athena Brown, Superintendent  
Western Nevada Agency  
Bureau of Indian Affairs  
311 E. Washington Street  
Carson City, NV 89701-4065

Arthur B. Walsh  
Los Angeles City Attorney's Office  
P.O. Box 51-111  
111 North Hope Street, Suite 340  
Los Angeles, CA 90054

Dist. Attorney for Lyon County  
31 South Main Street  
Yerington, NV 89447

State Engineer - Division of Water  
Resources  
State of Nevada  
901 S. Stewart St., Suite 202  
Carson City, NV 89701

Leo Drozdoff  
Dept. of Conservation & Natural Res.  
State of Nevada  
901 S. Stewart St.  
Suite 1003  
Carson City, NV 89701

I further certify that I served a copy of the foregoing **MINERAL COUNTY REVISED FINAL REPORT CONCERNING COMPLETION OF RULE 4 SERVICE ON FINAL**



1 **LIST OF PROPOSED DEFENDANTS**, including Exhibit B, and including a hard copy of the  
2 portion of Exhibit A that relates to their service issues, **[PROPOSED] ORDER**  
3 **CONCERNING COMPLETION OF RULE 4 SERVICE ON FINAL LIST OF**  
4 **PROPOSED DEFENDANTS**, and **[PROPOSED] ORDER CONCERNING**  
5 **COMPLETION OF RULE 4 PERSONAL SERVICE**, on the following non-CM/ECF  
6 participants addressed in this Report, by U.S Mail, postage prepaid, this 24th day of July, 2013:  
7

8 Karen Lund Hardy, Trustee  
9 David E. and Karen Hardy Family Trust  
10 P.O. Box 21351  
11 Carson City, NV 89721

Sandoval Family Trust  
Cecelia Lillian Sandoval, Trustee  
P.O. Box 224  
Smith, NV 89430

11 Sancho Rancho, LLC  
12 c/o Jon Sanchez  
13 5390 Kietzke Lane, Suite 200  
14 Reno, NV 89511

Brett Emery  
P.O. Box 758  
Bridgeport, CA 93517

15  
16 /s/ Iris Thornton  
Iris Thornton